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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/586,740	01/25/2007	Martial Deruelle	1004900-000279	6000

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BUCHANAN, INGERSOLL & ROONEY PC
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EXAMINER

FACTEAU, LINDSAY

ART UNIT	PAPER NUMBER
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1796

NOTIFICATION DATE	DELIVERY MODE
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06/26/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

Office Action Summary	Application No. 10/586,740	Applicant(s) DERUELLE ET AL.	
	Examiner LINDSAY FACTEAU	Art Unit 1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>01/25/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: the sentence "For softness, these are long polydimethylsiloxane oils (or even polyorganosiloxane gums." is missing the closing parenthesis (pg 1, lines 12-13).

Appropriate correction is required.

Claim Objections

2. Claim 23 is objected to because of the following informalities: Claim 23 uses the limitation "M, D, T, Q" units, which are not defined until claim 36; Claim 39 lists further limitations "(a), (b), (III)" wherein (III) should be --(c)--; Claims 24 – 48 all begin "A method" wherein they should be --The method--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 39 and 40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 39 uses the terminology "may be obtained" which is indefinite because it allows for other processes of production, and claim 40 depends from claim 39.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

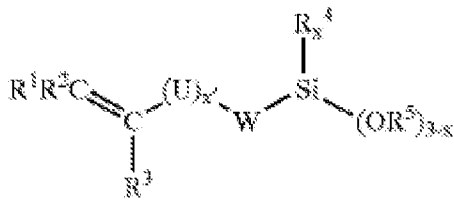
6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 23 – 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bohin, US PG Pub Number 2002/0082377 (hereinafter Bohin).

8. In regards to claims 23, 35, and 39 Bohin discloses a silicone composition for use as a coating on an airbag which comprises an adhesion promoter comprising at least one alkoxyated organosilane and one epoxy-functional organosilicon compound (instant C), at least one metal chelate and/or metal alkoxide wherein the metal is selected from Ti, Zr, Ge, Li, Mn, Fe, Al and Mg (instant B), and at least one polyorganosiloxane resin (instant A) (abstract) wherein the alkoxyated organosilane has the formula

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Wherein R1 – R3 are hydrogen-containing or hydrocarbon radicals, U is a linear or branched C1-C4 alkylene, W is a valency bond, R4 and R5 are C1-C4 alkyl radicals, x' is 0 or 1, and x is 1 or 0 [0057 – 0064] and the epoxy-functional organosilicon compound can be 3-glycidoxypolytrimethoxysilane [0089] which are comprised in the adhesion promoter, and the metal chelate/alkoxide is M(OJ)_n wherein n is the valency of M, J is a linear or branched C1-C8 alkyl, and M is selected from the metals above wherein the substituents off the metal of instant claims is an obvious variant over that of J as they would react the same, and the resin contains at least two different functional units selected from M, D, T, and Q functional units wherein at least one of the functional units must be a T or Q functional unit and R can be a C1-C6 alkyl radical or a C2-C4 alkenyl radical (such as a vinyl group) which is present from 10 to 70% [0106] wherein it would be obvious to use an OH or OR group over a vinyl group because it is common knowledge among persons skilled in the art that those type of functional groups will adhere stronger than vinyl groups. Bohin further discloses an example wherein they make a 2 part system wherein 48 parts plus 44.6 parts of the resin, 2 parts of the adhesion promoter, and 4 parts of the metal alkoxide/chelate are employed [0227 – 0228], wherein the use of over 92 parts per weight of the resin would be seen as substantially the same as the use of 100 parts per weight.

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9. In regards to claims 24 – 34 and 46, Bohin is silent with respect to properties of the inventive composition as recited in instant claims 24 – 34.

However, in view of the fact that the compositions of the prior art are substantially the same in constitution as that recited in the instant claims, a reasonable basis exists to believe that the coatings of the prior art exhibit substantially the same properties. Since the PTO can not perform experiments, the burden of proof is shifted to Applicant to establish an unobviousness difference. *In re Best*, 562 F.2d 1252, 1255, 195 USPQ 430, 433 (CCPA 1977); *In re Spada*, 911 F.2d 705, 709, 15 USPQ2d 1655, 1658 (Fed. Cir. 1990).

10. With regard to claim 36 and 40, Bohin further discloses that resins that are particularly well suitable are made of vinyl MDQ resins having a vinyl group weight content of between 0.2 to 10% by weight, which is obvious based upon the above argument.

11. Regarding claims 37 and 38, Bohin further discloses, with all the above arguments, that the use of butyl titanate is appropriate for the metal chelate/alkoxide, which is the same as used in instant claims.

12. Regarding claims 41 – 43, Bohin further discloses that the epoxy-functional polyorganosiloxanes can be substituted by a halogen atom [0077 - 0081] wherein the use of an alcohol in the fluorinated polymer would be obvious to one skilled in the art at the time of the invention because it would further increase adhesion.

13. With regard to claim 44, Bohin further discloses, with the above arguments, the use of a catalyst for cross-linking (abstract, [0152]).

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14. With regard to claim 45, Bohin further discloses, with the above arguments, the addition of a filler [0027].

15. Regarding claims 47 – 48, Bohin further discloses, with the above arguments, the use of their composition for coating woven, knitted, or non-woven fibrous substrates [0181].

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LINDSAY FACTEAU whose telephone number is (571)270-7735. The examiner can normally be reached on Monday - Thursday, 9 am - 5 pm est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on (571) 272-1302. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LF

/Randy Gulakowski/
Supervisory Patent Examiner, Art Unit 1796